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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,747	10/07/2003	Elena Casellini	BST-10302/38	5365
25006	7590	06/27/2005	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C			GALL, LLOYD A	
PO BOX 7021			ART UNIT	
TROY, MI 48007-7021			PAPER NUMBER	
			3676	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/680,747

Applicant(s)

CASELLINI ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/07/03 and 04/08/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The disclosure is objected to because of the following informalities: in the last line of page 3, the fifth and sixth words are illegible. On page 4, line 18, (see the amended paragraph), "22" should be replaced with --24--.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description must provide support for the claimed "ends" in claim 1, line 11.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shapes claimed in claim 7, line 3 and the "depressed" feature of claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 6, 16 and 21-23 are objected to because of the following informalities: In claim 6, line 2, --the-- should follow "from". In claim 16, line 3, "complimentary" should read --complementary--. Claims 21 and 22 are objected to, since they depend from themselves. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 12-23 are rejected under 35 U.S.C. 102(b) as being anticipated by the DM/059931 reference.

The DM reference teaches numerous embodiments of key covers having apertures in the sidewalls to register with an opening in the key head, as well as raised circular projections on the sidewalls as seen in fig. 9.3, and depressed shapes in fig. 9.1 on the sidewall, as well as raised circular projections on the edges of the sidewalls as seen in figs. 3.2, 3.3, 7.2, 8.2. Figure 6.3 also discloses a house icon. Claims 12-19 are regarded as product-by-process claims, and do not patentably define over the DM reference. It is also noted that the claimed "ends" of claim 1, line 11 are shown in figs.

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2.3, 3.3, 5.3, 9.3. With respect to the last paragraph of claim 1, it is noted that the tactile indicia of the DM reference is properly relied upon for a teaching of "integral". The tactile indicia of the DM reference is regarded as a part of the whole of the key cover, and may be regarded as being integrally formed with the key cover. Further, it is noted that a method of making the key cover is not being claimed. With respect to claims 20-22, the DM reference teaches in figs. 7.2, 8.2 and 8.3, first and second tactile indicia defined by circular shapes which are integrally formed with the cover, and are both on the claimed plane and are also a raised treatment along the first edge. With respect to claim 6, the treatment in fig. 7.2, 8.2 and 8.3 is regarded as protruding outwardly from the plane of the first sidewall.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 8, 9 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cicourel in view of the DM reference.

As seen in figs. 1 and 2 and as set forth in column 1, line 37, Cicourel teaches multiple keys having openings therein and multiple key covers 1 having differently shaped, integrally formed, tactile feature projections 5 on opposite sidewalls of the key cover and apertures which register with the opening in the key head, wherein the projections 5 in the figs. are regarded as being identical on opposite sidewalls of the cover. The sidewalls have edges which face the blade 3 of the key. The tactile features 5 are used

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to identify different keys. Claims 12-19 are regarded as product-by-process claims of no patentable significance, as the article claimed must patentably define over the prior art. The DM reference teaches the "ends" of claim 1, line 11, as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide ends on the outer wall of Cicourel which are spaced from the first and second edges, in view of the teaching of the DM reference, the motivation being that less material would be required, as a cost savings measure.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over either the DM reference, or Cicourel in view of the DM reference as applied to claim 1 above, and further in view of Sheldon.

The DM and Cicourel references have been discussed above. Sheldon teaches a key ring securement used to hold multiple keys, wherein the multiple keys have different identifiers 18, 18a (column 3, lines 9-11) used therewith. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize multiple keys of the DM reference or Cicourel reference with different tactile features located on the same key ring, in view of the teaching of Sheldon, the motivation being to allow an individual to carry multiple keys and distinguish the keys by their tactile features.

Claims 3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cicourel in view of the DM reference (931) as applied to claims 2 and 1, respectively above, and further in view of an additional teaching of the DM reference. As seen in figs. 8.2 and 8.3, the DM reference teaches a repeating row of circular projections protruding outwardly from the plane of the first sidewall. It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to substitute circular projections along the edges of the cover of Cicourel for the projections 5 thereof, in view of the teaching of the DM reference, the motivation being to identify a particular key from a plurality of keys.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cicourel in view of the DM reference as applied to claim 2 above, and further in view of Gapco or Lesko.

Gapco teaches depressions in figure 4B to identify a key, as does Lesko teach depressions 17 to identify a key. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute depression(s) for the projections 5 of Cicourel, in view of the teaching of Gapco or Lesko, the motivation being to identify a particular key from a plurality of keys.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cicourel or the DM reference, in view of Lanter.

Cicourel and the DM reference teach a key cover with sidewalls and a recess to receive a key head, apertures in the sidewalls, and a tactile feature as set forth above. Lanter teaches that V-shaped notches used as a tactile feature on the head of a key may be formed from paint, as set forth in column 4, lines 53-60. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the projections 5 of Cicourel or the projections of the DM reference from paint, in view of the teaching of Lanter, the motivation being to simplify the method of forming the projections on the key cover.

Applicant's arguments filed April 8, 2005 have been fully considered but they are not persuasive. With respect to the remarks at the bottom of page 10, it is noted that the DM reference is relied upon as teaching the claimed spaced ends. In response to applicant's remarks, the 1.132 Declaration has been reviewed by the examiner, but is not persuasive to overcome the prior art rejections. As set forth in the above rejection of claims 1-9 and 12-23, the tactile indicia of the DM reference is regarded as a part of the whole of the key cover, and is properly relied on as being integral with the key cover. It is also noted that the claims are not drawn to a method of making a key cover. In response to the remarks on page 14, it is resubmitted that figure 8.2 of the DM reference clearly teaches circular projections which protrude outwardly from the first sidewall plane. In response to applicant's remarks in the last paragraph of page 15, it is submitted that the teaching of the primary reference to Cicourel is being ignored by the remarks. Cicourel teaches a key cover having tactile indicia on a plane of a sidewall. The secondary reference to Gapco and Lesko is being relied upon to teach a different (depressed) type of tactile indicia.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not



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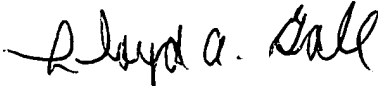
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG  
June 21, 2005

  
Lloyd A. Gall  
Primary Examiner